

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:09CR452
)
vs.) ORDER
)
EDWIN JAVIER CHAMUL,)
)
Defendant.)

This matter is before the court on the motion to continue by defendant Edwin Javier Chamul (Chamul) (Filing No. 13). Chamul seeks a continuance of the trial of this matter. Chamul's counsel has represented to the court that Chamul will submit an affidavit wherein Chamul consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Chamul's motion to continue trial (Filing No. 13) is granted.
2. Trial of this matter is scheduled for **February 22, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 12, 2010 and February 22, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 12th day of January, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge